IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3961 of 1986
With
SPECIAL CIVIL APPLICATION No. 3411 of 1988

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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K.P.SHRIMALI
Versus
STATE OF GUJARAT THRO' THE SECRETARY & OTHERS

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Appearance :
MR ASIM PANDYA for HL PATEL ADVOCATES for Petitioner
MR AMIT P PATEL, ASST. GOVT. PLEADER for Respondents

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 20/11/2006

ORAL JUDGMENT

Heard Mr. Asim Pandya, learned advocate for the petitioner and Mr. Amit P. Patel, learned Assistant Government Pleader for the respondent State.

The grievance of the petitioner in these petitions is that the Department has erred in not promoting him to Class I post in 1985, and instead, he was promoted in 1998 with retrospective effect from 1988.

It is submitted on behalf of the petitioner that the petitioner has not been given actual benefits as only deemed date is given by way of notional benefit. He further submitted that since during the pendency of the petition, the petitioner has been given promotion in the year 1998 by giving retrospective effect from 1988, part of the prayer has already been granted. As regards the prayer for consequential benefit i.e. arrears of salary raised in the petition, learned advocate for the petitioner stated that the petitioner would like to make a representation to the competent authority. Mr. Pandya further submitted that in the representation, he would like to point out as to why the deemed date of his promotion was required to be given w.e.f. 17.5.1985.

Since the petitioner wants to withdraw this petition, in order to make representation, petitioner is permitted to withdraw this petition with liberty to make a representation. If any representation is made, the same shall be decided by the competent authority in accordance with law within a period o six months from the date of receipt of the representation from the petitioner.

Subject to what is stated above, both the petitions are disposed of. Rule is discharged. Interim relief granted earlier stands vacated. No order as to costs.

[P. B. MAJMUDAR, J.]

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